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| 10/672,213 | 09/25/2003 | Jean-Philippe Fournier | 15675P482 | 2889 |

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| EXAMINER | |
|---|---|
| LA, NICHOLAS T | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2617 | |

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/672,213 | FOURNIER ET AL. | |
| | Examiner | Art Unit | |
| | Nicholas T. La | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *07 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 08/07/2006 have been fully considered but they are not persuasive. The applicant argues that Goodman does not teach the voice recognition device (SR/SAR unit) returns to the terminal (MAPOD) different proposals for multimedia files, the user selects, among different proposals return by the voice recognition device, a specific proposal, and further the user transmit a signal corresponding to a verbal request to a voice recognition device from a terminal via the mobile telephony network, the voice recognition device is able to interpret (or process) the request that it receives and to return to the terminal one or more interpretation prompt(s) designating one or more file(s) contained in the database, the terminal being able to return a prompt selected by the user, thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the database to the terminal via the mobile telephony network.

The examiner disagrees.

Goodman teaches mobile audio program selection system using public switched telephone network (see Figure 1). As indicated in the last office action, Goodman teaches a system and process for downloading multimedia content to a terminal and further teaches the voice recognition device (SR/SAR unit) returns to the terminal (MAPOD) different proposals for multimedia files corresponding to the user verbal request (col. 14, line 46 to 50; the SR/SAR continues to prompt with audio menus

corresponding to the requested desired item made by the user), the user selects, among different proposals return by the voice recognition device, a specific proposal (until a specific programming selection is made correspond to verbal response from the user); the user transmit a signal corresponding to a verbal request to a voice recognition device from a terminal via the mobile telephony network (col. 14, line 43-45), the voice recognition device (SR/SAR) is able to interpret (or process) the request that it receives and to return to the terminal one or more interpretation prompt(s) designating one or more multimedia file(s) contained in the database (col. 14, line 45 to 50; database, i.e., programming server, col. 10, line 25 to 27) connected to the network (see Figure 1), the terminal being able to return a prompt selected by the user (col. 14, line 45 to 50; it is clearly shows in this invention that the user interacts with SR/SAR through the terminal, MAPOD col. 14, line 35 to 37), thereby bringing about the downloading of a multimedia file (Glen Miller medley, a song is a multimedia file) corresponding to the prompt selected from the database (col. 10, line 25 to 27; database, i.e., programming server 18) to the terminal via the mobile telephony network (see Figure 6, col. 11, line 48 to 67; col. 13, line 40 to 55, col. 14, line 46 to 56; telephony network, i.e., cellular network which allows the user or MAPOD to interact with programming server through MAPOD and SR/SAR).

Therefore, Goodman or any combination of Goodman as indicated in the previous rejection teaches the limitations. The previous rejection is maintained.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) **Claims 1, 2, 5-6, 11-12, 14, 19, 21, 23** are rejected under 35 U.S.C. 102(b) as being unpatentable by Goodman (US Patent No. 5,594,779).

Regarding **claims 1, 11**, Goodman teaches a system for downloading multimedia content to a terminal (see Figure 1, element 2 MAPOD as Mobile Audio Programming Device), characterized in that the downloading is carried out via a mobile telephony network (see Figure 1), the said terminal is being able to be connected to the mobile telephony network, the said system comprising a voice recognition device (see Figure 1, element 14b), a database (see Figure 1, element 18; col. 10, line 25 to 33) connected to the network and containing multimedia files, the terminal being able to transmit a voice request emanating from the user to the voice recognition device (col. 14, line 31 to 56) and the voice recognition device is able to interpret the request that it receives and to return to the terminal one or more interpretation prompt(s) designating one or more file(s) contained in the database (col. 14, line 31 to 56), the terminal being able to return a prompt selected by the user (col. 14, line 31 to 56), thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the

database to the terminal via the mobile telephony network (see Figure 6, col. 11, line 48 to 67; col. 13, line 40 to 55, col. 14, line 46 to 56).

Regarding **claim 2**, Goodman further teaches a system, characterized in that the voice recognition device is able to generate and transmit to the terminal a list containing several most probable interpretation prompts (col. 14, line 46 to 50).

Regarding **claim 5**, Goodman further teaches a system, characterized in that it comprises means for recording the voice request (col. 11, line 48 to 67).

Regarding **claims 6, 12**, Goodman further teaches a system, characterized in that the terminal is a mobile terminal having a voice channel and/or a data channel (col. 7, line 32 to 38; col. 8, line 32 to 45; col. 11, line 8 to 18).

Regarding **claim 14**, Goodman further teaches a process, characterized in that the prompts are returned from the database to the terminal in the form of a voice message transmitted as a sound file or by audio streaming (col. 14, line 46 to 50).

Regarding **claim 19**, Goodman further teaches a process, characterized in that the user selects a prompt by verbally pronouncing a reference identifying this prompt (col. 14, line 45 to 50).

Regarding **claims 21, 23**, Goodman further teaches a process, when none of the prompts is selected, the operation of processing the request by the voice recognition is repeated while eliminating the unselected prompts from the list of the expressions and this process is carried out on a new request (col. 14, line 43 to 50; Goodman teaches voice recognition continue to prompt to the user as none of the prompt is being selected by the user and that means that also eliminating the unselected prompts).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**6) Claims 3-4, 7-8, 13, 15-18, 20, 22, 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (US Patent No. 5,594,779) and further in view of Walsh et al. (US Patent No. 6,965,770).

Regarding **claims 3, 15**, Goodman teaches a system for downloading multimedia content to a terminal, wherein a voice recognition device is able to generate and transmit to the terminal a list of prompts. However, Goodman does not expressively teach a system, characterized in that the prompts being associated with probabilities of correspondence with the user's request, the prompts of the list of prompts are ranked

according to their order of probability. In an analogous art, Walsh et al. teaches a dynamic content delivery responsive to user requests such as song, video, and the like. Walsh et al. further teaches a system characterized in that the prompts being associated with probabilities of correspondence with the user's request, the prompts of the list of prompts are ranked according to their order of probability (col. 16, line 49 to 67 wherein probability is corresponding to weighting scheme). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Goodman to include a system characterized in that the prompts being associated with probabilities of correspondence with the user's request, the prompts of the list of prompts are ranked according to their order of probability such as taught by Walsh et al. in order to develop a content delivery system that did not require a listener to be at the physical location of the music storage in order to request a song or a video and also allowed the choose the desired song out of a matches list.

Regarding **claim 4**, Walsh et al. further teaches a system, characterized in that the prompts are transmitted to the terminal in the form of hypertext links tied with multimedia files contained in the database, the user being able to activate the link corresponding to his request (col. 16, line 55 to 65).

Regarding **claim 7**, Walsh et al. further teaches a system, characterized in that the terminal includes an Internet browser (col. 1, line 20 to 28; col. 10, line 16 to 32).

Regarding **claims 8, 25**, Walsh et al. further teaches a system, characterized in that it comprises means for activating or deactivating the mode of operation with return of interpretation prompt(s) to the terminal according to the number of matches and predetermined algorithm and:

in the case where this mode of operation is activated when there are more than one matches returned, the voice recognition device is able to return one or more interpretation prompt(s) to the terminal for the user selection (col. 14, line 25 to 29; col. 16, line 59 to 67);

in the case where this mode of operation is deactivated when there is only one match returned, the voice recognition device is able to transmit an interpretation directly to a server for access to the database and putting it the match on the play list to be played at the server according to the play list algorithm (col. 14, line 25 to 29; col. 16, line 59 to 67).

Regarding **claim 13**, Walsh et al. further teaches a process, characterized in that the prompts are returned from the database to the terminal in the form of a text message (see Figure 4; col. 6, line 32 to 35; col. 10, line 35 to 38).

Regarding **claim 16**, Walsh et al. further teaches a process, characterized in that a prompt is selected by positioning a cursor over this prompt then by pressing an enable key of a keypad associated with the terminal (see Figure 4, col. 6, line 32 to 35).

Regarding **claims 17, 18**, Walsh et al. further teaches a process, characterized in that the user selects a prompt by scrolling prompts down to the one whose selection is desired and then by pressing an enable key of a keypad associated with the terminal (Figure 4; col. 5, line 17 to 35).

Regarding **claim 20**, Goodman and Walsh et al. further teaches a process, wherein the mobile terminal is a Personal Digital Assistant (PDA) with a stylus (see Walsh et al. Figure 1, element 111), but does not teach that the user selects a prompt by positioning a stylus on a touch screen associated with the terminal, at the level of the relevant prompt. Nevertheless, the Examiner takes Official Notice that it is conventionally and commonly well known in the art that a PDA has a stylus (or pen) used to make a prompt, selection, choice from a plurality of prompts by positioning a stylus on a touch screen of the PDA, at the level of the relevant prompt. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to have used a stylus to select a prompt out from a plurality of prompt for the same advantages of making a selection, making a choice.

Regarding **claim 22**, Goodman teaches a process, characterized the new processing operation is carried out on the basis of initial request (col. 14, line 33 to 56). However, Goodman does not teach a process, characterized in having recorded the voice request beforehand. In an analogous art, Walsh et al. further teaches a process, characterized in that having recorded the voice request beforehand, this new

processing operation is carried out on the basis of the initial recorded request (col. 13, line 60 to 64). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Goodman to include having recorded the voice request beforehand in order to provide ability to enhance the service's personalization level.

7) **Claims 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (US Patent No. 5,594,779) in view of Walsh et al. (US Patent No. 6,965,770) and further in view of Pyhalammi (US Patent No. 6,996,393).

Regarding **claims 9 and 10,** Goodman and Walsh et al. teaches a system that allows to downloading multimedia materials to a mobile station. Goodman and Walsh et al. further teaches a system comprising means for activating and deactivating the mode of operation with return of interpretation prompts to the terminal. However, Goodman and Walsh does not expressively teach a system comprising means for measuring a parameter relating to the quality of the network, and the user's actuation as functions for activating or deactivating the mode of operation with return. In an analogous art, Pyhalammi teaches a mobile content delivery system that optimizes the delivery of especially bandwidth –consuming content in a way that best utilizes the free capacity in the network. Pyhalammi further teaches a system comprising means for measuring the parameter relating to the quality of the network as well as utilizing user's manipulation to activating or deactivating the mode of operation with return in regarding to delivery

content of multimedia materials to a mobile device (col. 1, line 48 to col. 2, line 22). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to modify Goodman and Walsh et al. system and means for activating and deactivating the mode of operation with return of interpretation prompts to the terminal to include the usage of parameter relating to the network and user actuation such as taught by Pyhalammi in order to allow data traffic on the wireless network to be more evenly distributed without having to upgrade the wireless network component. Therefore, it is cheaper to implement the system with all the functions without scarifying the operator high-margin business.

8) **Claims 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (US Patent No. 5,594,779) in view of Walsh et al. (US Patent No. 6,965,770) and further in view of Martin (US Patent No. 6,345,250).

Regarding **claim 24**, Goodman and Walsh et al. teaches a process to repeat the operation of processing when none of the prompt is selected. However, Goodman and Walsh et al. does not teach a process, wherein the new request is formulated in text or graphic mode when none of the prompt is selected. In an analogous art, Martin teaches a developing voice response application from pre-recorded voice and stored text-to-speech prompts. Martin further teaches a process, wherein the new request is formulated in text or graphic mode when none of the prompt is selected (Figure 4; see Abstract, col. 5, line 33 to 47). Therefore, it would have been obvious to one ordinary

skill in the art at the time of the invention was made to modify Goodman and Walsh et al. to include a process, wherein the new request is formulated in text or graphic mode when none of the prompt is selected such as taught by Martin to provide a faster and more programmer friendly environment for the development of interactive voice response applications. Furthermore, easing the burden on the system by reducing significant costs of recording and storing infrequently used voice phases or words.

## *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas T. La whose telephone number is (571)-272-8075. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas La
09/07/2006

LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER